MINUTES OF THE REGULAR MEETING OF THE WASHINGTON STATE TRANSPORTATION COMMISSION November 13 & 14, 2007

The regular meeting of the Washington State Transportation Commission was called to order at 9 A.M., on November 13, 2007, in Room 1D2 of the Transportation Building in Olympia, Washington.

Commissioners present at the meeting were: Chair Ford, Bob Distler, Elmira Forner, Carol Moser, Dan O'Neal, Philip Parker and Dale Stedman.

Chair Ford introduced recently appointed Commissioner Philip Parker replacing retired Commissioner Ed Barnes of Vancouver.

MINUTES APPROVAL

It was moved by Commissioner Forner and seconded by Commissioner Distler to approve the meeting minutes from June 19, 2007, Walla Walla, July 17 & 18, 2007, Olympia, September 18, 2007, Wenatchee and October 9, 2007, Gig Harbor, Special meeting re the Tacoma Narrows Bridge Toll uses. The motion passed unanimously.

TACOMA NARROWS BRIDGE (TNB) CITIZEN ADVISORY COMMITTEE RECOMMENDATIONS RELATED TO TNB TOLL REVENUE USES

Chair Bob Ryan, Citizen Advisory Committee, shared that the Citizen Advisory Committee met twice to review WSDOT administrative and maintenance costs. WSDOT has not provided maintenance costs details; therefore, the CAC is unable to make recommendation.

Today's recommendation specifically addresses administrative costs as presented by WSDOT at the Gig Harbor meeting on October 9, 2007. While WSDOT customer service oversight is necessary, it is recommended that the cost be minimized to the greatest degree possible.

- It is the CAC's understanding that Transcore, the contractor, provides customer service and WSDOT provides oversight. Although it is important for WSDOT to be responsive, the CAC's biggest concern is that this function is part of the overall responsibility of WSDOT in their general operation and should be paid from their general administration cost, not specifically allocated to the TNB Project. The CAC is not disputing the legitimacy of the charges, nor that the functions should not occur, but they are not necessarily legitimately charged to the TNB Project.
- Although WSDOT's marketing of the Good To Go Program has been outstanding it is recommended that marketing communication should be suspended as of December 2007. Charges for management and support staff outside the scope of the TNB Project should be charged to WSDOT operations or the specific project, rather than charged to the TNB Project.
- Postage should be separated for accounting purposes. Credit card fees are directly related to the project.

- The CAC believes that travel and expenses of \$14 thousand per biennium per FTE is excessively high, while there are travel and expense costs related to the project this seems to be rather excessive.
- The CAC understands WSDOT's need for consultant assistance on this project since it is the first toll facility in a generation. However, \$1.6 million budgeted for consultant services is high and presents concern. The CAC feels that WSDOT will benefit from this knowledge system wide not just on the TNB Project. WSDOT and all toll facilities should bear a portion of the cost rather than the entire burden being placed on TNB toll payers.

Commissioner Stedman noted that the question of increasing and continuing contractual costs has come up before. "Why are the costs increasing when in fact the contractual responsibility is decreasing?"

Mr. Ryan responded that WSDOT and Transcore predicted that initially there would be 25 thousand accounts and about 50 thousand transponders, when if fact there are 80 thousand accounts and 204 thousand transponders which is a 94 percent penetration rate for the Gig Harbor area. However, the maintenance of those accounts and transactions is increasing. These costs are pushing the cost of the contract up to \$5 million for the time period. The term of the contract is 5 years fixed with a variable cost. The variable costs are substantially increasing greater than what was anticipated. The other aspect is that with the greater number of Good To Go accounts comes a greater dollar amount that is collecting interest that should partially off set the variable cost increase. The CAC feels that WSDOT should move forward with reopening and addressing the issues with the Transcore contract.

- When the Photo Enforcement Project was established the projected violation rate was 10 percent, when in fact the actual is 3 percent. Therefore, the budgeted amount should be reduced to reflect the actual.
- The CAC feels that WSP troopers assigned for on-road enforcement should be paid for by the WSP general account as opposed to the TNB account. WSP patrolling of the TNB is no different than anywhere else in the state.

The biggest issue is that the statute does not clarify maintenance and administration. It is difficult to hold WSDOT accountable, because the statute states that tolls will pay for administration and maintenance costs. The CAC recommends that the Commission and the Legislature clarify the statute, and give the Commission oversight.

Chair Ford noted that Don Williams submitted written comments that would be added to the record.

Chair Ford welcomed Representative Seaguist and invited him to the table.

Jennifer Ziegler, Office of the Governor, asked Mr. Ryan if he would specify what he had in mind for language in the statute.

Mr. Ryan responded that specifically the WSP (on-road enforcement) should be excluded. He emphasized that the CAC may not be the correct body to look at this issue. The Commission in fact should make the decisions rather than WSDOT having free reign. Commissioner O'Neal noted that one thing that has not been discussed is WSDOT's

suggestion that there is a \$5 million deficit because there were more transponders issued than expected.

Mr. Ryan responded that WSDOT discussed this issue with the CAC. WSDOT expected a \$5 million overrun and plan to request a supplemental budget to cover the cost overruns. Toll revenues to date have vastly exceeded the original budgeted dollars. The original project of usage decline by 15 percent has in fact only dropped by 2 percent and is now nearing usage prior to the implementation of the toll. Therefore, WSDOT's proposal to seek supplemental revenue from the Legislature seems inappropriate based on the fact that current revenues are far exceeding expenses.

Commissioner Stedman asked for clarification of the Commission's role and whether or not the statute reflects that.

Reema Griffith, Executive Director, WSTC responded that it is the Commission's role by statute to set tolls, but the language tends to be vague.

Representative Seaquist explained that the WSDOT legislative package included 23 FTE, which was reduced to 17 FTE. That many FTE even seems unnecessary. He thanked the Commission for its attention to this matter.

Commission Distler noted that you can not look at rate setting in a sensible way without looking at both the revenue and cost side. It is the Commission's responsibility to look at costs across the board, if not explicitly then implicitly. This applies to ferry fare setting as well. The experience with the TNB, as with the ferries, suggests that there is less elasticity of demand and people who would prefer to pay less than more. This tells us that a large differential incentive should not be given for transponder users, but the total amount of revenue collected should be used to hold down increasing the general toll going forward.

Chair Ford suggested that the Commission form a subcommittee to put forward toll recommendations to the Legislature. He requested Commissioner's O'Neal and Parker to move forward in preparing a draft recommendation.

Commissioner Distler reminded the Commission that the consensus was to review numbers as they rolled out, and if there was a shortfall then the CAC and the Commission would address the shortfall by possibly increasing the toll. The flip side is that if revenues are ahead then relief should be given to the toll payers rather then buy down the bonds.

WSDOT Reorganization

Paula Hammond, Secretary of Transportation, presented the redesigned WSDOT organizational chart and introduced recent appointments. She introduced Dave Dye, Chief of Operations, Steve Reinmuth, Chief of Staff, Amy Arnis, Chief Financial Officer and Jerry Lenzi, Chief Engineer.

Commissioners congratulated Ms. Hammond on her recent appointment as Secretary of Transportation.

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT) BRIEFING ON EMERGING ISSUES

SR 520/Alaskan Way Viaduct Update

Ron Paananen, Project Director, Alaskan Way Viaduct Project, WSDOT, brought the Commission up-to-date with a high clipped overview of the SR 520 and Alaskan Way Viaduct Projects. He emphasized that both of these projects are about safety as well as providing other improvements to the transportation system. Both of the facilities are vulnerable to earthquakes and SR 520 is vulnerable to low-level windstorms. In 2007 the Department moved forward to remove or repair the viaduct on the south/north ends while central waterfront replacement options are considered. These improvements will provide driver safety and enhance transit services. By getting started now driver safety will be improved on SR 99 and ensure that taxpayer dollars are being spent responsibly. These improvements, in addition to keeping people moving during construction a long-term investment will be made that will be useful after viaduct demolition begins in 2012.

Replacement of the SR 520 Bridge is critical because of its vulnerability to earthquakes and windstorms. 2007 is a big year for the SR 520 Project with expanding efforts in design, environmental coordination, financing and public involvement. These plans will include the mediation process to determine the best intersection location and design in Seattle, continued environmental analysis, moving forward with bridge design, completing a traffic plan and working with state and regional officials to further develop a financing plan. These are all critical planning steps towards opening a new bridge by 2018.

Secretary Hammond commented that the Department assumes tolling will be part of the financial plan for the SR 520 Bridge. The Governor has made it clear that this project is a safety issue, and that she plans to watch the project as it moves forward.

Murray Morgan Safety Closure/Process Going Forward

Kevin Dayton, Olympic Region Administrator, WSDOT, provided an update regarding closure of the Murray Morgan Bridge. He shared that the bridge was opened in 1913 and the State of Washington, Department of Highways, took over jurisdiction of the East 11th Street corridor in 1937, which included Murray Morgan Bridge. In 1995 WSDOT signed a Turn Back Agreement that relinquished East 11th Street to the City of Tacoma. The agreement did not relinquish the Murray Morgan Bridge, but did indicate that the bridge would be rehabilitated. In 1997-98 in became apparent that rehabilitation of the bridge was not feasible and engineers began looking at replacement. In January 1998 a supplement was added to the Turn Back Agreement. The supplement indicated that the Department would replace the bridge with a replica or an alternate design that would be acceptable to the city. In January 2000 alternatives were looked at. In 2002 an inspection of the structure indicated that it had degraded to the point that a weight restriction should be imposed, reduced to two lanes and elimination of pedestrian traffic. In 2003 a final findings report was issued that found that the bridge should be removed and replaced with a bridge further down the waterway towards 15th Street. In 2004 the Department proposed to the City of Tacoma that removal funds would be dedicated to the city in consideration of it taking the bridge in its current condition. This offer was rejected by the city. A detailed inspection of the bridge in 2007 indicated that the bridge was in worse condition than expected. Therefore the Secretary of Transportation ordered that the bridge be closed for safety reasons. In closing Mr. Dayton noted that the Department is working with the City of Tacoma on mitigation efforts. Secretary Hammond emphasized that the Department is committed to working with the City of Tacoma to find solutions.

RESOLUTION HONORING COMMISSIONER ED BARNES

Chair Ford presented Commissioner Barnes with Resolution 688 honoring his contribution to the citizens of the State of Washington.

It was moved by the Commission to approve Resolution 688 honoring Commissioner Barnes. The motion passed unanimously.

Commissioner Barnes thanked the Commission and Governor's Lowry and Locke for having given him the opportunity to serve the citizens of Washington State for 12 years.

FERRY CUSTOMER SURVEY KICKOFF – OVERVIEW OF WORK PLAN AND SCHEDULE

Rebecca Elmore-Yalch, Senior Vice President, Opinion Research Northwest, shared that the overall purpose of the survey is twofold, but primary is to gather information from ferry customers on their travel attitudes and behaviors, secondly will be to identify fare policy, operational and other customer centric strategies. A broad base of customers is being reached through holding multiple forums throughout the ferry community, on-board and online surveys. The two critical outcomes will be the basis for informed decisions that will better utilize existing ferry capacity and increase operational efficiencies and reduce the need for capital expansions and improve cost efficiencies while maintaining ferry revenues. From this came three overall objectives: design and implement a research methodology that will provide a baseline of ferry customer user types; identify and model data that will define behavior types and lastly to provide a review of level of service standards and operational strategies. The objective of phase two is to provide a mechanism for additional follow-up research to address specific issues that come out of phase one. For further information you may view this presentation by visiting:

http://www.wstc.wa.gov/FerryCustomerSurvey/FerryCustomerSurveyPres.pdf

LONG-TERM FERRY FINANCE STUDY KICKOFF – OVERVIEW OF WORK PLAN AND SCHEDULE

Steven Pickrell, Senior Vice President, Cambridge Systematics, reported that the objective of the study is to identify and evaluate long-term financing alternatives for the ferry system. Phase one will consider the potential for state, regional, or local financing options and will aid the members of the Legislature regarding current funding capacity and potential alternative methods of supplementing or replacing current funding sources. The results of this study will be used to develop a work plan and cost estimate for a second phase of analysis that will more fully assess the most viable funding mechanisms and present the Legislature with a range of options for implementation. Phase two of the study will also coordinate with the ferry survey effort.

For further information you may view this presentation by visiting: http://www.wstc.wa.gov/LongTermFerryFinance/FerryFinanceStudyPres.pdf

OVERVIEW OF WASHINGTON STATE FERRIES (WSF) ORIGIN AND DESTINATION STUDY

Ray Deardorf, Planning Director, Finance, WSF, reported that the purpose of the on-board

survey was to capture accurate measures of customer travel patterns as support to identify significant trends in ridership travel characteristics and update data inputs for ferry travel models for use in the WSF Long-Range Planning, and to provide input to terminal capital improvement projects. WSF now has surveys taken in 1993, 1999 and 2006. WSF has found that from 1993 to 1999 ridership increased by 14 percent. However, from 1999 to 2006 ridership decreased by 10 percent, with the average number of weekly per rider trips declining since 2006. These results are used by WSF and decision makers in a number of ways: matching ferry service with customer needs; running an efficient ferry operation; long-range planning; provide input to capital improvement needs and working with communities on managing local traffic impacts. This presentation in its entirety may be found by visiting the Commission's webpage at:

http://www.wstc.wa.gov/AgendasMinutes/agendas/2007/Nov13/default.htm

PUBLIC COMMENT PERIOD

Don Williams, citizen, submitted written concerns regarding TNB toll revenue use. He emphasized that the Commission and Legislature should define what a legitimate operating cost is. He believes that WSDOT is charging toll payers for costs and services unrelated to the project and unrelated to its toll collection operations. He has observed that the Citizen's Advisory Committee has had its own set of difficulties with members being unable to attend committee meetings. He believes that the CAC can not do its job properly because it is being "spoon fed" numbers by WSDOT. Legislation to clarify the CAC's function should be proposed in order for it to serve in an advisory capacity to the Commission on all matters related to the imposition of tolls.

Randy Boss, citizen of Gig Harbor, praised the Commission and WSDOT for the completion of the Tacoma Narrows Bridge, indicating that he traveled seamlessly across the bridge. He moved on to comment on the presentation given by the Citizen Advisory Committee. He emphasized that he agrees with Mr. Williams' correspondence indicating that the CAC is a dysfunctional organization. He disagreed with the CAC's recommendations to make cuts to TNB operations without having supporting documentation. In closing he emphasized that the CAC needs direction, support and data to make decisions. In addition it is imperative that the Commission take a look at the CAC's duties.

Chair Ford requested a copy of the WSDOT/Transcore contract for the Commission to review.

Commissioner O'Neal reflected that Mr. Boss' comments regarding the CAC are unfair.

SR 167 HOT LANE

David Pope, Tolls Policy & Planning Manager, WSDOT, shared that the purpose of today's presentation is to provide an overview of the Tolls Operations & Maintenance Organization and the role of the organization in respect to the Commission's toll rate setting process for the SR 167 HOT Lanes Pilot Project.

The SR 167 HOT lanes will provide toll-free, express trips for transit and carpools, and also allow solo-drivers who pay a toll to use the lanes when there is space for more vehicles. Solo drivers will need to open a "Good to Go" account and mount a transponder on their vehicles windshield. The tolls will be debited from the driver's pre-paid account upon entry into the HOT lanes – there will be no toll booths. Flexible pricing is used as a tool to keep traffic in

the HOT lanes flowing at 45 mph or faster, even when regular lanes are congested. The Department will begin public information workshops and media messages to inform motorists of how to use the lanes, their options and the likely prices at opening.

The Commission approved a proposed toll range for the SR 167 HOT Lanes Pilot Project. HOT lanes that will give drivers a new commuting choice and allow WSDOT to test an innovative congestion management concept. The program allows solo drivers to pay an electronic toll to use carpool lanes previously reserved for vehicles with two or more occupants. Toll rates will fluctuate based on congestion factors, including time of day, traffic volumes, and traffic flow. Commissioners proposed a minimum toll rate of 50 cents for solo drivers who choose to use the HOT lanes during periods of little or no congestion, and a maximum toll rate of \$9. The maximum toll rate would be charged to solo drivers using the HOT lanes during peak travel periods and when demand for the lanes is highest. Tolls will reach the maximum amount when the solo-driver demand approaches exceeding available space in the lane.

The toll range may be adjusted as the four-year pilot project progresses. The project team's goal is to make sure the HOT lanes keep the roadway flowing efficiently as possible. The end result will increase driver options, move more cars and keep transit running on time.

The proposed toll range will be released for public review and comment before it is finalized in February. A public input meeting is scheduled for the evening of Jan. 24, 2008 from 6 to 8 p.m. at Renton City Hall, 1055 South Grady Way, Renton, WA. It will provide an opportunity for people to learn more about the HOT Lanes Pilot Project, discuss the toll range proposal and offer comments to the Commission and Washington State Department of Transportation staff.

OVERVIEW OF TRANSPORTATION IMPROVEMENT BOARD (TIB) ROUTE JURISDICTION TRANSFER PROGRAM AND AGENCY REQUEST LEGISLATION

Steve Gorcester, Executive Director, Transportation Improvement Board, requested the Commission's support of legislation moving TIB's Route Jurisdiction Transfer Program to the Commission (this program is where local jurisdictions can petition to transfer a city/county road to the state's jurisdiction or visa versa). If approved, this legislation will move route transfer authority/recommendation to the Commission.

There is a minor amount of forecasting required in order to determine transfer. TIB has agreed to provide the Commission with engineering technical assistance on transfer requests.

It was moved by the Commission to approve moving TIB's Route Jurisdiction Transfer Program to the Commission. The motion passed unanimously.

Mr. Gorcester shared information regarding TIB's performance data on pavement conditions in small towns statewide by county. He touched on how data is collected and the process in which TIB's systems application breakouts detailed pavement conditions.

TIB offers a number of different funding programs to the state's small cities. Cities and towns with a population under 5,000 are eligible for funding from programs that reconstruct or maintain the transportation infrastructure. Funds from the program are distributed regionally, with projects competing only in their own region.

The Transportation Improvement Board understands that the state's smallest communities do not have the financial ability to fund large portions of transportation improvements. TIB's programs for small cities have been developed to require little or no local match. Match requirements are determined by population.

While the majority of TIB's small city funding is awarded annually through a competitive process, the Federal Match pavement preservation program is open continuously to take advantage of unique financial opportunities. Programs that are on an annual cycle use project selection rating systems based on criteria developed by the Board. Applications are rated by TIB staff and reviewed in the field. The highest rated projects within the available funding are presented to the Board for selection. TIB awards approximately \$10 million to new small city projects each year.

Once selected, TIB staff provides grant oversight, assists with consultant selection, and acts as facilitators to bring projects to completion.

FUTURE FERRY FARE SETTING AND OUTREACH PROCESS

Commissioner O'Neal shared that he met with Representative Rolfes and two members of the Ferry Advisory Committee's Executive Council to discuss the FAC's participation in the fare setting process. He raised the issue that public involvement in the process is vital to ferry communities and the Commission.

Commissioner O'Neal emphasized the importance of keeping the dialogue open with the FAC Executive Council. He said that he believed the Commission should support an advisory group to the Commission, but that the question is open as to how the membership should be selected and by whom.

Chair Ford suggested that the Commission meet with the FAC Executive Council throughout the year to hear their concerns.

COMMISSION BUSINESS

Commission Reports

No Commissioner activity reports were provided.

Commission Team Structure Adjustment

Reema Griffith, Executive Director, WSTC, distributed a list of Commission team assignments for 2007/08.

Commissioners discussed individual team assignments and lead positions.

2008 Meeting Schedule

Paul Parker, Senior Policy Analyst, WSTC, presented the Commission a proposed 2008 meeting schedule for review and approval. The final schedule can be found on the Commission's webpage at: http://www.wstc.wa.gov/schedule2008.htm

It was moved by Commissioner Stedman to approve the 2008 Commission meeting schedule as amended. The motion passed unanimously.

Review Spokane Summit and Annual Reports

Mr. Parker provided a timeline for review and adoption. It was proposed that both reports be presented to the Commission at its December 2007 meeting for final approval. It is expected that the reports will be presented to the Governor the first part of January. Once finalized the Inland Northwest Regional Transportation Summit Repot and the Commission's Annual report can be found at: http://www.wstc.wa.gov/

SR 167 HOT LANE WORK SESSION

Craig Stone, Deputy Administrator, Urban Corridors, WSDOT, explained that today's goal is to provide an overview of HOV Toll Lane operations in other states, review SR 167 HOT Lanes operations, introduce toll setting policy issues and key questions for Commissioners to consider:

- What are the benefits of pricing
- Who pays the toll
- Minimum and maximum toll rate
- When should toll rates be in effect
- How are tolls spent, collected and enforced

Patty Rubstello, Traffic Policy Engineer, WSDOT, touched on ways that other states' are implementing HOT lanes. She used San Diego's I-15 Express Lane as an example noting that it uses transponder technology and dynamic pricing similar to what is proposed for SR 167. The facilities fees are set to keep traffic free flowing with peak direction and reversible lanes. The price per trip is 50 cents up to \$8 dollars. Revenues collected are applied to operation and maintenance of the HOT lane, enforcement and transit service for the corridor. The public has supported the HOT lane system tremendously. She moved on to share details regarding Denver and Minneapolis express lanes which show similarities to San Diego. Users are happy with the facilities services and feel that it is safe and reliable. She provided an overview of toll pricing depending on time of day and traffic congestion.

Chair Ford suggested that data be provided to support an \$8 dollar toll and whether or not the traffic was free flowing at that time.

Commissioner Distler suggested that the toll be a function of the flow and not have a maximum cost.

Chair Ford disagreed noting that users would not be happy without knowing what the maximum toll would be.

Commissioner Distler stated that there is a risk when setting a maximum toll.

Commissioner O'Neal asked if traffic has been slowed significantly on these facilities.

Ms. Rubstello responded that traffic flow was maintained at 55 miles per hour at the \$8 dollar toll. If speeds drop the system readjusts the toll.

Ms. Rubstello moved on to share information regarding the SR 167 HOT Lane Project. The goal for the project is to keep free flow operations at 45 miles per hour at 90 percent during the peak period. The HOT lane is 12 miles long northbound and 9 miles long southbound with 10 access points. It is proposed that; motorcycles, transit, transit vanpools and 2⁺ HOV are free. The facility would operate 24 hours per day and would typically be tolled from 5 A.M. to 7 P.M., although the Department is requesting flexibility with the operating hours of the facility. Revenue would be used to pay for operations and maintenance, enforcement and incident response on the facility. HOT lanes require consistent enforcement to build public trust in the fairness of the HOT lane. WSDOT is working with the State Patrol to enforce the new rules of the road. Traffic citations in the amount of \$124 dollars can be issued for illegal use of HOT lane by SOV, attempt to avoid paying required toll and crossing double white lines. The range of modeled tolls for SR 167 are; 2008-.50 to \$7 dollars, 2010-.50 - \$9 dollars and 2012=.50-\$10 dollars. Mr. Stone reminded Commissioners that this is a pilot project that gives opportunity to accumulate data. For detailed information on the SR 167 HOT Lanes Pilot Project please visit: http://www.wsdot.wa.gov/Projects/SR167/HOTLanes/

Ms. Griffith asked how costs factor into the .50 - \$8 dollars formula.

Ms. Rubstello responded that the revenue potential and operational & maintenance costs have been reviewed. The m&o costs can be covered with revenue left over, but we will not know how much users are willing to pay until opening.

Chair Ford emphasized that this is a pilot project and we will find out how well it works....all possibilities are open.

Mr. Stone noted that it's difficult to predict market behavior and what people are willing to pay at any given time....it's very volatile!

Commissioner Distler explained that he wants to make certain that the facility, at all hours, will work as advertised, and that is the HOT lane will allow you to maintain 45 miles per hour, whatever that number might be. This will provide the Commission with clear guidance if a maximum is to be set.

Commissioner O'Neal agreed that the maximum must be set to insure that the facility continues to remain operational.

Ms. Griffith advised the Commission to seek advice from counsel before delegating any part of the toll setting authority to the Department.

The Commission meeting adjourned at 5:00 p.m., on November 14, 2007.

WASHINGTON STATE TRANSPORTATION COMMISSION

DICK FORD, Chair	ELMIRA FORNER, Vice-Chair
PHILIP A. PARKER, Member	CAROL MOSER, Member
DAN O'NEAL, Member	ROBERT S. DISTLER, Member
DALE STEDMAN, Member	PAULA HAMMOND, Ex-Officio Member Secretary of Transportation
JENNIFER ZIEGLER, Governor's Office	
ATTEST:	
REEMA GRIFFITH, Executive Director	DATE OF APPROVAL